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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF NEVADA**

10

11 IVAN RODRIGUEZ RIVERA,)
12 Plaintiff,)
13 v.)
14 DR. ARANAS, et al;)
15 Defendants.)

Case No. 2:09-cv-01692-KJD-RJJ

**DEFENDANTS' MOTION FOR LEAVE
TO FILE DOCUMENTS UNDER SEAL**

16

17 COME NOW, Defendants, DR. ROMEO ARANAS (sued as Dr. Aranas), DR.
18 FRANCISCO SANCHEZ (sued as Dr. Sanchez), and DR. KAREN GEDNEY, by and through
19 his attorneys, CATHERINE CORTEZ MASTO, Attorney General of the State of Nevada, and
20 RAELENE K. PALMER, Deputy Attorney General, and move for leave to file Exhibits "B-1"
21 and "B-2" under seal. This motion is made and based on the following memorandum of points
22 and authorities as well as the pleadings and papers on file in this case.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 Defendants seek leave to file Exhibit "B-1" and "B-2" to their Motion to Dismiss/Motion
25 for Summary Judgment, filed contemporaneously herewith, under seal. Exhibit "B-1" consists
26 of 13 pages of medical health notes, as summarized by Karen Walsh, the Health Information
27 Director for the Medical Director of the Nevada Department of Corrections; Exhibit "B-2"
28 contains 97 pages of Plaintiff's medical records. Defendant's Motion to Dismiss/Motion for
Summary Judgment is supported by Plaintiff's medical records and the medical health notes.

1 Plaintiff's medical records are confidential documents pursuant to NRS 629.061 and
2 Administrative Regulation 639, attached hereto as Exhibit A. While a plaintiff may waive that
3 confidentiality, the Plaintiff in this case has not provided a waiver. Accordingly, Defendants
4 seek to file Plaintiff's medical records under seal to prevent their entry into the public record
5 and to protect Plaintiff's confidentiality. Defendants will send copies of the exhibits to Plaintiff.
6 Accordingly, Plaintiff will be able to review and respond to the exhibits.

7 Based on the foregoing, Defendants respectfully request that this Court grant their Motion
8 for Leave to File Documents Under Seal (i.e. Exhibits "B-1" and "B-2" in support of Defendants'
9 Motion to Dismiss/Motion for Summary Judgment).

10 DATED this 10th day of January, 2011.

11 Respectfully submitted,

12 CATHERINE CORTEZ MASTO
13 Attorney General

14 By: /s/ RAELENE K. PALMER

15 RAELENE K. PALMER
16 Deputy Attorney General
17 Public Safety Division
18 555 E. Washington Ave., Ste. 3900
19 Las Vegas, NV 89101
20 Attorney for Defendants

21 IT IS SO ORDERED.

22 
23 UNITED STATES MAGISTRATE JUDGE
24 DATE: JANUARY 26, 2011